IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.4704 of 2006

Maharashtra Jeevan Pradhikaran
Karmachari Mahasangh Petitioner
Vs.
Maharashtra Jeevan Pradhikaran Respondent

Mr.P.H.Huddar & Mr.M.S.Kumthekar for petitioner.
Ms.Neeta Karnik for respondent.

CORAM: B.H.MARLAPALLE,J.

July 24, 2006.

P.C.

. Heard Mr.Huddar, the learned counsel for the petitioner-Union which is aggrieved by the order dated 12/7/2006 passed by the learned Member of the Industrial Court rejecting the application for interim relief filed in Complaint (ULP) No.119 of 2006.

. It appears that some of the members of the petitioner-Union were issued orders deputing them to different Zilla Parishads and these orders dated 13/6/2006 came to be challenged before the Industrial Court alleging unfair labour practice on the part of the respondent Pradhikaran/Board. The Union placed reliance on the Circular dated 14/2/2006 issued by the Board and claimed that unless the members had

given option, the deputation order could not be issued and the members who were transferred had not submitted such option. On these grounds a prima facie case was sought to be made out for stay to the deputation orders.

. Having heard the learned counsel for the petitioner-Union and perused the Circular dated 14/2/2006 it is clear that the individual employees were called upon to submit their option by 28th February 2006 and the Circular does not say that those who do not submit option would not be liable for transfer. Sending on deputation would not be, prima facie, an act of unfair labour practice unless it was demonstrated that the service conditions of the members of the petitioner-Union like financial benefits etc. were likely to be adversely affected. The record does not show that such an attempt was made to demonstrate that on transfer the members' salary was likely to be reduced or any of their allowances were likely to be affected adversely.

. Hence the view taken by the learned Member of the Industrial Court that, prima facie, there was no case of unfair labour practice made out by the Union

does not call for any interference in this petition under Article 227 of the Constitution.

. Petition is rejected summarily.

(B.H.MARLAPALLE,J.)